IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

WA.No. 1648 of 2003()

AGAINST THE JUDGEMENT IN OP.3014/1998 Dated 08/04/2003
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APPELLANT: PETITIONER IN O.P.

T. GANGADHARAN, FIREMAN DRIVER CUM
PUMP OPERATOR, FIRE STATION, PAYYANNUR,
KANNUR DISTRICT.

BY ADV. SRI.P.V.MOHANAN

RESPONDENTS: RESPONDENTS IN O.P.
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1. STATE OF KERALA, REPRESENTED BY ITS
CHIEF SECRETARY, THIRUVANANTHAPURAM.

2. THE CHAIRMAN, SCRUTINY COMMITTEE
FOR VERIFICATION OF SCHEDULED CASTE
(PULAYA), THIRUVANANTHAPURAM.

3. THE DIRECTOR, KIRTADS,
THIRUVANANTHAPURAM.

4. THE COMMANDANT GENERAL,
HOME GUARDS, CIVIL DEFENCE & FIRE
SERVICES, KERALA, THIRUVANANTHAPURAM.

BY SPL.GOVT.PLEADER SMT.P.K.SANTHAMMA

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 01/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & S.SIRI JAGAN, J.

W.A. No.1648 of 2003

Dated, this the 1st day of December, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

It is not disputed during the course of arguments that in view of the law laid down by a Division Bench of this Court in M.F.A.No.1318 of 1999 decided on 17th September, 2002 the duly constituted screening committee has to deal with this matter afresh. The order impugned in the writ appeal was passed on the basis of a report of the committee constituted under Section 8 of the Kerala (SC & ST) Regulation of Issue of Community Certificates Act, 1996 (Act 11 of 1996). The constitution of the committee, however, came only on 24.4.2002. It is in that context it has been held by this Court in the judgment dated 17th September, 2002 that the order would not be one in terms of Section 11 by a committee constituted in terms of Section 8 of the said Act. In view of the above mentioned decision of this Court it is not disputed that the order of the learned Single Judge has to be set aside with liberty to the properly constituted

screening committee to go into the matter afresh in accordance with law. Ordered accordingly. In view of the setting aside of the impugned order now and leaving the matter to the properly constituted screening committee, it goes without saying that the appellant would be at liberty to press all points that may be advisable or available to him under law.

Writ appeal is disposed of accordingly.

V.K. BALI,
CHIEF JUSTICE.

S.SIRI JAGAN,
JUDGE.

vns